IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 21643 of 2003

Between:

M. John David S/o M. Immanuel, First year M.B.B.S.
Alluri Sitaramaraju Medical College, Eluru,
West Godavari District, A.P.,

..... PETITIONER

AND

1 The NTR Medical & Health Science University rep. by Registrar
Vijayawada Krishna District., A.P.,
2 The Govt. Medical College, rep. by its Principal, Guntur,

Guntur District, A.P.,
3 The Alluri Sitaramaraju Medical College rep. by its Principal
Eluru, West Godavari District, A.P.,
4 The Medical Counsil of India, represented by its Secretary, New Delhi.
(R-4 is impleaded as per Court Order dated 18.11.2003 in WPMP NO.28482/2003).

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ or order or direction under Article 226 of the Constitution of India, particularly one in the nature of writ of MANDAMUS, directing the fourth respondent to consider to transfer the petitioner from Alluri Sitaramaraju Medical College, Eluru, West Godavari District, A.P., to Government Medical College, Guntur, Andhra Pradesh after calling for the records.

(Prayer is amended as per court order dated 18.11.2003 in WPMP No.28483 of 2003)

For the Petitioner: MR.PRATTIPATI VENKATESWARLU, Advocate

For the Respondent No.1: MRS. DR. Y. PADMAVATHI, S.C. for NTR Medical & Health Science University

For the Respondent NO.2: GP FOR HIGHER EDUCATION

For the Respondent No.3: MR. P. BALAJI VARMA, Advocate

For the Respondent No.4: MR.S. NIRANJAN REDDY, Advocate

The Court made the following:

ORDER:

The petitioner was admitted to first year MBBS course in third respondent college during the academic year 2000-'01. Owing to certain family problems, he made a representation to the Medical Council of India, the fourth respondent, on 20.10.2003 requesting transfer/migration from the third respondent college to second respondent college. As the same was not considered, the petitioner filed the present case seeking a Writ of Mandamus directing the fourth respondent to consider the application for transfer from third respondent college to second respondent college.

Along with the writ petition, he filed WPMP No.27021 of 2003 seeking similar direction. When this application came before this Court, the matter is being disposed of after hearing the learned Counsel for the petitioner, learned Counsel for NTR Medical and Health Sciences University and learned Counsel for the Medical Council of India. As rightly submitted by the learned Counsel for the Medical Council of India, this Court cannot issue any direction permitting the transfer/migration of an under graduate medical student. Such power is vested in the Medical Council of India by reason of Regulation 6 of the Regulations of Graduate Medical Education, 1997 framed by the Medical Council of India (see **Medical Council of India v. Diparani P. Deshmukh**).

Aware of the legal position, the learned Counsel for the petitioner Sri Nuthalapati Krishna Murthy made only prayer to direct the fourth respondent to pass appropriate orders on the representation of the petitioner. Therefore without expressing any opinion on the merits of the case and right of the petitioner to continue to prosecute the under graduate medical course in the third respondent college, the Medical Council of India is directed to consider the representation dated 20.10.2003 and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order.

The writ petition, with the above observations and directions, is disposed of.

October 7, 2004. **V.V.S. RAO, J**

YS

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Registrar, NTR Medical & Health Science University,
Vijayawada, Krishna District., A.P.,
2 The Principal, Government Medical College, Guntur,

Guntur District, A.P.,
3 The Secretary, Medical Counsil of India, New Delhi.

4 The Principal, Alluri Sitaramaraju Medical College, Eluru,

West Godavari District, Andhra Pradesh.
5 Two CCs to the Government Pleader for Higher Education,

High Court Buildings, Hyderabad (O.U.T)

6 Two C.D. Copies.